

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ACCESS FOR THE DISABLED, INC.)
a Florida not for profit corporation, and DENISE)
PAYNE Individually)
Plaintiffs,) 2:10-cv-50
v)
MEYER JABARA HOTELS, LLC.)
A Foreign Corporation)
Defendant.)

ORDER OF COURT

Pending before the Court is Plaintiffs' CONSENT MOTION TO SUBSTITUTE DEFENDANT, filed at Document Number 17, seeking to substitute Defendant in this civil action with HIPA Associates, LLC, a company recently appointed to serve as receiver for the commercial use property owned, leased, leased to, and/or operated by Defendant that is the subject of the Plaintiffs' claims. Counsel for Defendant consents to the motion. While a copy of the motion has been served on all parties, there is no indication that the motion has been served on HIPA Associates, LLC, a nonparty to the matter *sub judice*, as required under Federal Rule of Civil Procedure 25. As such, Plaintiffs' consent motion is hereby **DENIED WITHOUT PREJUDICE**.

So ORDERED, this 6th day of August, 2010.

BY THE COURT:

s/ Terrence F. McVerry
United States District Court Judge

cc: Pete Marlin Monismith, Esquire
Email: monismith@thomasbaconlaw.com

J. Freedley Hunsicker, Esquire
Email: fhunsicker@laborlawyers.com